

REMARKS

In the Official Action dated November 8, 2007, the Examiner rejected pending claims 1 – 17. Claims 1, 5, 8-10, 12 and 15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,725,272 ("Susai.") Claims 2 and 13 were rejected pursuant to 35 U.S.C. § 103 as being unpatentable over Susai in view of published patent application no. U.S. 2003/0088672 ("Togasaki"). Claims 3 and 4 were rejected pursuant to 35 U.S.C. §103 as being unpatentable over Susai, Togasaki, and published patent application U.S. 2004/0103194 ("Islam.") Claims 6, 7, 11, 14, 16, and 17 were rejected pursuant to 35 U.S.C. § 103 as being unpatentable over Susai in view of Islam.

All of the Examiner's rejections are based on an application or application-in-part of the Susai reference. As noted by the Examiner, Susai teaches that the client should be put "on-hold" when the response time at the requested server is unacceptable. (See. e.g., Susai, Abstract, Fig. 3 (item 310), Figs. 4A and B, col. 2, lines 64-67.) Placing the client "on-hold" entails transferring the client to a separate "on-hold server." (See, e.g. Susai, Abstract, Figs. 4A and B, Fig. 5, col. 2, lines 51, 66.)

Susai's use of separate on-hold servers differs from the claims as originally submitted and presently presented. As originally submitted, the independent claims required disabling of the front end application. For clarification, independent claims 1, 10 and 15 have been amended to instead call for denying processing of submitted requests to the front end application. This clarifies that the front end application may operate on requests presented prior to response times exceeding a

threshold, but will not operate on requests presented when the response times exceed the threshold.

Susai discloses comparing response times to a threshold, but does not appear to disclose the denying of processing of submitted requests. While placing users on-hold may reduce the number of pending requests, Susai does not preclude the user from resubmitting a request. For example, Susai notes that “[o]ther clients may prefer not to be put on-hold at all . . . and thus deal with a slower response time.” (Susai, col. 7, lines 46–48.) Susai operates by deflecting traffic to “on hold” servers as opposed to the present invention, which requires that the front end application will not process requests submitted when the response time is too great.

Applicant has also amended claims 2, 3, 4, 5 and 8. Claim 2 has been amended to incorporate the elements of originally submitted claim 3. Claim 3 claims the additional acts of storing information from the user in the middleware, concluding that the back end will be able to provide a response, and transmitting the stored information to the backend after the act of concluding that the back end will be able to provide a response. Claim 4 corrects a typographical error concerning the spelling of “middleware.” Claim 5 incorporates the acts of determining that the period of time has passed and allowing processing of submitted requests in response to the act of determining that the period of time has passed. Claim 8 has been amended to ensure proper antecedent basis.

CONCLUSION

Applicant respectfully submits that all of the pending claims are in condition for allowance and seeks early allowance thereof. If for any reason, the Examiner is unable to allow the application but believes that an interview would be helpful to resolve any issues, he is respectfully requested to call the undersigned at (312) 321-4215.

Respectfully submitted,

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